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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
)  
Review of the Commission's )  
Rules and Policies Affecting the )  
Conversion to Digital Television )  
)

MM Docket No. 00-39

COMMENTS OF FOX TELEVISION STATIONS, INC.  
AND FOX BROADCASTING COMPANY

Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Avenue, N.W.  
Washington, D.C. 20005  
(202) 371-7200

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## **SUMMARY**

Fox Television Stations, Inc. ("FTS") and Fox Broadcasting Company ("FBC" and collectively with FTS, "Fox") respectfully submit that adoption of overly complex procedures and filing windows for processing the backlog of DTV maximization applications would be the biggest threat to the rapid conversion from analog to digital television. As Fox has advocated, DTV maximization applications, like minor modification applications in the other major broadcast services, should be processed and granted on a first come/first served basis. Due to the priority scheme and deadlines established by Congress in the Community Broadcasters Protection Act, most DTV maximization applications already have been filed. First come/first served processing thus will not create a surge of applications.

The Commission should encourage the negotiation of interference settlement agreements to resolve mutually exclusive DTV maximization applications. Because DTV maximization applications, as minor modifications, are a component of the replacement for the analog television license, competitive bidding may not be used to resolve mutual exclusivities that do arise.

Finally, Fox supports the Commission's proposal to adopt replication and minimum field strength requirements as a means of discouraging spectrum warehousing and generally supports the proposed effective date of May 1, 2004 for

these requirements. Fox, however, believes that establishing a deadline for channel election is more timely addressed at the next DTV biennial review.

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**COMMENTS OF FOX TELEVISION STATIONS, INC.  
AND FOX BROADCASTING COMPANY**

Fox Television Stations, Inc. ("FTS") and Fox Broadcasting Company ("FBC" and collectively with FTS, "Fox") respectfully submit these comments in response to the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding ("*DTV Biennial Review NPRM*"). With this *NPRM* the Commission has commenced the first biennial review of the progress of the transition from analog to digital television ("DTV"). FTS, as the licensee of 23 television stations, and FBC, as the operator of a national television network with more than 180 full-time affiliates nationwide, have direct interests in the seamless and efficient transition to DTV. Indeed, sixteen of Fox's owned-and-operated stations are in the top 30 markets and thus have already completed construction of digital facilities and are currently broadcasting DTV signals.

**I. REPLICATION AND PRINCIPAL COMMUNITY COVERAGE REQUIREMENTS SERVE THE PUBLIC INTEREST BY DISCOURAGING SPECTRUM WAREHOUSING.**

Fox supports requiring a DTV station to replicate (i.e., cover at least the same area served by) the paired NTSC facilities to the extent provided in the DTV Table of Allotments.<sup>1</sup> To determine compliance with any replication requirement, Fox advocates using the Longley-Rice methodology per OET Bulletin 69. Adoption of a regulation that requires replication by the digital facilities of the area served by the paired NTSC facilities serves the public interest by discouraging spectrum warehousing. Moreover, as the Commission itself recognizes, replication serves the interest of the station by maximizing the potential audience for the digital broadcast signal.<sup>2</sup> Fox therefore agrees with the Commission proposal<sup>3</sup> that failure to comply with any replication requirement ultimately adopted should result in the loss of protection for the full-replication allotment facilities.

In addition, Fox supports the minimum field strength values proposed to be placed over a DTV station's principal community: 55 dBu for channels 2-6; 57

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<sup>1</sup> See *DTV Biennial Review NPRM*, para. 21.

<sup>2</sup> See *id.*, para. 25.

<sup>3</sup> See *id.*

dBu for channels 7-13 and 14-69.<sup>4</sup> Without this requirement, stations licensed to smaller communities near more populous markets could move their transmitter location in an attempt to place a signal over more populated markets. As a result, due to the anomalies of signal propagation, these smaller communities of license would be served by a weaker signal.

With respect to the Commission's request for comment on an effective date for any replication requirement,<sup>5</sup> Fox agrees that the Commission's proposed date of May 1, 2004 is quite reasonable for stations in the top 30 markets, many of which were required to complete construction of DTV facilities by November 1, 1999. Fox, however, believes that stations in the smaller markets may need greater flexibility in the deadline for complying with any replication requirement ultimately adopted because these stations are not required to complete construction of their DTV facilities until May 1, 2002. The proposed effective date of May 1, 2004 for the minimum field strength requirements would be reasonable for all television stations.<sup>6</sup>

As a corollary to the replication requirement, Fox urges the Commission to clarify that stations seeking DTV facility changes need only protect the

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<sup>4</sup> See *id.*, para. 33.

<sup>5</sup> See *id.*, para. 24.

<sup>6</sup> See *id.*, para. 34.

stronger of the allotment facilities or the currently authorized facilities.<sup>7</sup> In other words, Fox advocates that DTV stations either operate at their allotted power or else accept a reduction of their protection from interference. Requiring interference protection studies for both the maximum facilities authorized in the DTV Allotment Table and the currently authorized facilities is computationally intractable because it involves analysis of all combinations and permutations of station facilities. For those stations unable to operate at their maximum allotted power by an effective date of May 1, 2004, the Commission could entertain waivers on a limited, case-by-case basis upon a demonstration of financial hardship.

## **II. THE TIME IS NOT YET RIPE TO ESTABLISH A DEADLINE FOR CHANNEL ELECTION.**

Fox disagrees with the Commission's tentative conclusion that it is now appropriate to select a deadline by which television licensees must elect which channel to keep following the DTV transition.<sup>8</sup> Rather, Fox maintains that it is still premature to establish a date-certain by which broadcasters must make a binding decision on which channel they intend to keep for DTV operation. Stations in the

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<sup>7</sup> The Commission's DTV Processing Guidelines appear to require that both the authorized and allotment facilities be used in determining interference protection. *See* Public Notice, "Additional Application Processing Guidelines for Digital Television (DTV)," Aug. 10, 1998, at 4-5.

<sup>8</sup> *See DTV Biennial Review NPRM*, paras. 37-38.



top 30 markets that were required to complete construction by November 1, 1999 have been broadcasting a digital signal for just a little over seven months. Additional experience with DTV operation is needed for broadcasters to assess whether a May 1, 2004 deadline for channel election is realistic. The Commission therefore should postpone the issue of channel election to the next periodic review of the progress of DTV transition, which is scheduled for 2002.

**III. DTV APPLICATION PROCESSING PROCEDURES MUST BE DESIGNED TO FACILITATE THE PROMPT BUILD-OUT OF MAXIMIZED DTV FACILITIES IN ACCORDANCE WITH EXISTING COMMISSION RULES.**

**A. DTV Maximization Applications Are Minor Modifications and Should Be Processed on a First Come/First Served Basis.**

The Commission has specifically invited comment on whether to adopt cut-off procedures to minimize the number of mutually exclusive DTV area-expansion applications.<sup>9</sup> Although the Commission has included DTV maximization applications as a subset of the broader category of DTV area-expansion applications,<sup>10</sup> in Fox's view "maximization" applications increase the reliability and ubiquity of signal coverage, but generally do not materially increase the service

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<sup>9</sup> See *id.*, para. 43.

<sup>10</sup> See *id.*, n.41.

area.<sup>11</sup> As Fox previously advocated in a letter to the Commission in MM Docket No. 87-268, which the Commission has incorporated by reference into the current proceeding,<sup>12</sup> the protected contour of a DTV television station does not expand with a power or height increase. Thus, absent a change in transmitter location, the protected contour remains fixed as defined by the engineering parameters of the DTV Allotment Table.

Fox advocates that mutually exclusive DTV maximization applications should be processed on a first come/first served basis as is currently the procedure for all other broadcast services. In other words, applications for maximization of DTV service area should be evaluated for potential interference based on the state of spectrum utilization as of the date of filing the maximization application. In addition, Fox submits that seemingly mutually exclusive DTV maximization applications should be evaluated with both stations assumed to be maximized because often the increased power of both stations will cancel out enough interfer-

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<sup>11</sup> As the Commission has stated, "maximization" of DTV facilities includes increases in power and/or antenna height above the values allotted in the DTV Table, as well as site changes that extend the service area of DTV facilities beyond the NTSC replication facilities. *See Establishment of a Class A Television Service*, MM Docket No. 00-10, Report and Order, FCC 00-115, para. 52 (rel. Apr. 4, 2000) ("*Class A Report and Order*").

<sup>12</sup> *See DTV Biennial Review NPRM*, n.43 (citing and seeking comment on the letter dated Jan. 4, 2000, filed by Fox Television Stations, Inc.)

ence so that both applications will fall within the *de minimis* interference benchmarks.<sup>13</sup>

As the Commission acknowledges, DTV construction permit applications, including requests to maximize facilities, are considered minor modification applications.<sup>14</sup> In addition, all DTV maximization applications are placed on public notice, and interested parties have 30 days during which oppositions may be filed.<sup>15</sup> Section 73.3572(f) of the Commission's rules states that applications for minor modifications for television broadcast stations "may be filed at any time ... and, generally, will be processed in the order in which they are tendered." 47 C.F.R. § 73.3572(f). Section 73.3564(e) goes even further in stating that such minor modification "applications will be processed on a 'first come/first served' basis and will be

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<sup>13</sup> See letter filed by Fox Television Stations, Inc., MM Docket No. 87-268, Jan. 4, 2000, Engineering Attachment at 5.

<sup>14</sup> See *DTV Biennial Review NPRM*, para. 43; *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809, para. 74 & n.159 (1997) ("*DTV Fifth Report & Order*"); see also *Revision of Sections 73.3571, 73.3572 and 73.3573 of the Commission's rules*, 56 R.R.2d 941, para. 4 (1984) (concluding that changes in power, antenna location and/or antenna height should be classified as minor changes for both the television and commercial FM broadcast service).

<sup>15</sup> See *DTV Biennial Review NPRM*, para. 43; see also *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders, 14 FCC Rcd 1348, para. 49 (1998).

treated as simultaneously tendered if filed on the same day." 47 C.F.R. § 73.3564(e). Rule 73.3564(e) does not distinguish between television minor modifications and FM radio minor modifications. Accordingly DTV maximization applications should be processed on a first come/first served basis, which in effect means that the applications are cut off from other conflicting applications as of the close of business on the date they are filed. As a result, Fox maintains that there is no need to augment the public notice of DTV maximization applications by including a cut-off period.

There appears to be some confusion over whether television minor change applications can become mutually exclusive until the day they are granted.<sup>16</sup> As part of its 1998 Biennial Review of Commission Regulations, the Commission extended to the AM, noncommercial FM, and FM translator services the first

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<sup>16</sup> Compare *Implementation of Section 309(j) of the Communications Act*, 13 FCC Rcd 15920, 15928, 15989, paras. 19, 177 & n.204 (1998) ("*Auction Order*") (stating that currently television "minor modification applications can become mutually exclusive until grant by the filing of a conflicting application") with *Creation of Low Power Radio Service*, 15 FCC Rcd 2205, 2255, n.193 (2000) ("Under first-come, first-served procedures . . . mutual exclusivity arises when competing applications are filed on the same day. These procedures now are used only for *minor changes for commercial and NCE broadcast stations.*") (emphasis added) and Public Notice, Mass Media Bureau Announces Availability of Streamlined Forms, DA 99-1153, June 14, 1999 (noting that failure to use revised forms could "significant[ly] impact [] procedural rights (e.g., since FCC Form 301 'minor change' applications are processed on a 'first come/first serve' basis, return of an application will delay receipt of cut-off protection)"). See also *DTV Biennial Review NPRM*, para. 43.

come/first served processing procedures applicable to FM minor modifications.<sup>17</sup>

Under this first come/first served processing system, the filing of a first acceptable application "cuts off" the filing rights of subsequent, conflicting applications. And thus, mutual exclusivity between minor change applications arises only where conflicting applications are filed on the same day.<sup>18</sup>

The Commission justified extending this processing system to AM, noncommercial/educational FM, and FM translator services on the grounds that a system under which minor change applications remain subject to mutually exclusive proposals until staff disposes of the applications exposes applicants to significant

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<sup>17</sup> See *1998 Biennial Regulatory Review – Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 14 FCC Rcd 5272 (1999). Indeed, the Commission originally proposed first come/first served processing for both FM and television minor modification applications. See *Amendment of Sections 73.3572 and 73.3573 Relating to Processing of FM and TV Broadcast Applications*, Notice of Proposed Rulemaking, FCC 84-356 (rel. Sept. 7, 1984). At that time, however, the Commission ultimately decided to apply first come/first served processing only to FM services due to the "significantly lower applications volume [and] ... no appreciable backlog in TV" application processing. See *Amendment of Sections 73.3572 and 73.3573 Relating to Processing of FM and TV Broadcast Applications*, Report and Order, 58 R.R.2d 776, 778, para. 6 (1985). The conversion to DTV has significantly increased the number of pending television minor modification applications, and hence circumstances have changed significantly since the Commission's initial determination not to extend first come/first served processing to the television service.

<sup>18</sup> See *1998 Biennial Regulatory Review – Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 14 FCC Rcd 5272, n.2.

uncertainty and delay and may substantially deter applicants from seeking to improve service. Specifically, the Commission concluded:

Under our present rules, however, minor change applications for AM, NCE FM and FM translator stations remain subject to mutually exclusive proposals until the staff disposes of the applications. As we explained in the *Notice*, this policy exposes minor change applicants in these services to significant uncertainty and delay: at any time during the pendency of an application, a mutually exclusive proposal may be filed that could halt further processing of the application and necessitate a technical amendment, settlement between the applicants, or designation of the applications for comparative hearing to eliminate the mutual exclusivity. The prospect of expending significant resources to prosecute an application without any certainty of grant may substantially deter applicants from seeking to improve service.

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We anticipate that [first come/first served processing] will prove to be similarly beneficial in the AM, NCE FM and FM translator services, thereby encouraging potential applicants to file for improved facilities and speeding the introduction of improved services to the public.<sup>19</sup>

For the same reasons, the Commission should explicitly adopt first come/first served processing for DTV maximization applications. Adoption of any cut-off period in excess of one day will encourage the filing of mutually exclusive

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<sup>19</sup> *Id.*, paras. 2, 7.

applications and thus discourage broadcasters from maximizing their facilities to provide improved digital service, which in turn will delay the transition to DTV.

Contrary to the Commission's fears,<sup>20</sup> this first come/first served processing will not create a surge of area expansion applications. Fox already has filed twelve maximization applications, one of which was recently granted. In addition, Fox affiliates have filed 148 maximization applications, two of which were recently granted.<sup>21</sup> The other eleven Fox applications and 146 affiliate applications remain pending. (Attachment A hereto details the Fox owned-and-operated stations that have filed applications to maximize their DTV facilities and the dates on which the applications were filed.) Moreover, under the Community Broadcasters Protection Act ("CBPA"), only those stations that filed either (1) maximization applications by December 31, 1999 or (2) notices of intent to maximize by December 31, 1999 followed by maximization applications by May 1, 2000, will be afforded protection

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<sup>20</sup> See *DTV Biennial Review NPRM*, para. 43.

<sup>21</sup> On April 24, 2000, the Commission granted the maximization applications filed by Fox's owned-and-operated station KSAZ, Phoenix, Arizona, and by the Fox affiliate KTXL, Sacramento, California. See Public Notice, Rep. No. 44727, Broadcast Actions on File Nos. BMPCDT-19990526KF and BMPCDT-19990609KE, May 4, 2000. On April, 26, 2000, the Commission granted the maximization application filed by Fox affiliate WOFL, Orlando, Florida. See Public Notice, Rep. No. 44728, Broadcast Actions on File No. BMPCDT-19990920AAV, May 5, 2000.

vis-à-vis Class A low power television stations.<sup>22</sup> The universe of DTV maximization applications is thus relatively known at the current time, and implementing a first come/first served processing scheme is unlikely to generate an onslaught of additional applications.

B. Use of Competitive Bidding To Resolve Mutually Exclusive DTV Maximization Applications Would Delay DTV Transition.

In the limited circumstances where mutual exclusivities do arise, Fox agrees that the Commission should encourage the negotiation of interference settlement agreements.<sup>23</sup> Indeed, the Commission previously has indicated that in rare instances, two or more television applications can be mutually exclusive, and in such cases it would expect the parties to use engineering solutions and negotiations to resolve the mutual exclusivities.<sup>24</sup>

Fox strongly opposes any attempt to characterize DTV area expansion applications as applications for initial DTV licenses not intended to replace the paired analog license.<sup>25</sup> At minimum, area expansion applications that propose tower or height increases or site changes pursuant to Section 73.623 of the Commis-

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<sup>22</sup> See 47 U.S.C. § 336(f)(7); see also *Class A Report and Order*, FCC 00-115, paras. 55-60.

<sup>23</sup> See *DTV Biennial Review NPRM*, para. 44.

<sup>24</sup> See *Auction Order*, 13 FCC Rcd at 15989-90, para. 178.

<sup>25</sup> See *DTV Biennial Review NPRM*, paras. 45-46.



sion's rules, 47 C.F.R. § 73.623, are most properly viewed as a component of the replacement of the analog television service license.

To conclude otherwise would thwart the DTV transition by impeding the ability of full-power television broadcasters to maximize facilities and thus provide DTV signals to the largest number of viewers. Unless they have access to DTV signals, television viewers have no incentive to convert to digital television. Any regulatory action that in effect limits the number of households receiving DTV service thus jeopardizes the timely transition from analog to digital television and the return of the 6 MHz analog channel by broadcasters.

C. Commission Rules and Congressional Action Have Established a Priority for DTV Applications Relative to NTSC Applications.

The Commission has invited comment on the extent to which NTSC applications should be afforded protection from later-filed DTV applications.<sup>26</sup> Fox maintains that prior Commission precedent and the protection scheme for the Class A television service recently enacted by Congress in the Community Broadcasters Protection Act ("CBPA") clearly establish a priority for DTV applications relative to analog.

Following the development of the DTV Table of Allotments, the Commission announced that it would consider any impact on DTV allotments in

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<sup>26</sup> See *DTV Biennial Review NPRM*, para. 51.

deciding whether to grant modifications of existing analog facilities.<sup>27</sup> The Commission later clarified that it would permit analog stations to upgrade to maximum authorized facilities only when such maximization would not conflict with digital allotments.<sup>28</sup> Analog applications that are predicted to cause additional interference to DTV allotments or authorized DTV service are therefore dismissed.<sup>29</sup>

In contrast, DTV modifications may still be granted even if they cause an increase in interference to an existing or authorized analog or digital station as long as such increased interference does not exceed a *de minimis* level.<sup>30</sup> Thus, in a situation where an earlier filed digital modification and an analog modification would each create a *de minimis* amount of interference with existing facilities if granted, the digital application should be granted and the analog application should be dismissed. In the alternative, the analog application could be granted subject to

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<sup>27</sup> See *Advanced Television Systems and Their Impact on Existing Television Broadcast Service*, 12 FCC Rcd 14588, 14640, para. 113 (1997) ("*DTV Sixth Report and Order*"); see also Public Notice, "Additional Application Processing Guidelines for Digital Television," Aug. 10, 1998, at 11.

<sup>28</sup> See *Advanced Television Systems and Their Impact on Existing Television Broadcast Service*, 13 FCC Rcd 7418, 7473, para. 137 (1998) ("*DTV Sixth MO&O*").

<sup>29</sup> Public Notice, "Additional Application Processing Guidelines for Digital Television," Aug. 10, 1998, at 11.

<sup>30</sup> *DTV Sixth MO&O*, 13 FCC Rcd at 7450-51, para. 80.

the understanding that the analog station as modified will experience greater than *de minimis* interference.

Similarly, the CBPA provides that Class A analog stations are absolutely required to protect from interference (1) the digital service areas provided in the DTV Table of Allotments, (2) the digital service areas of stations subsequently granted by the Commission prior to the filing of a Class A application, and (3) the digital service area of a station that filed either an application for maximization of its service area by December 31, 1999 or, in the alternative, a notice of intent to seek such maximization by December 31, 1999 followed by a maximization application by May 1, 2000. Fox therefore agrees that a priority scheme similar to that designed by Congress in the CBPA should apply as between those DTV maximization applications filed by December 31, 1999 or those filed by May 1, 2000 (provided that the requisite notice of intent to maximize was filed by December 31, 1999) and NTSC applications filed after enactment of the CBPA (i.e., November 29, 1999).<sup>31</sup> In other words, those DTV maximization applications would trump all NTSC applications filed after November 29, 1999 – even if the NTSC application was filed prior to the DTV maximization application. DTV maximization applications filed

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<sup>31</sup> See *DTV Biennial Review NPRM*, para. 53.

after May 1, 2000 would be subject to first come/first served processing relative to NTSC applications.

**IV. THE BROADCAST INDUSTRY IS CURRENTLY STUDYING THE DIFFERENCES BETWEEN THE FCC-APPROVED 8VSB STANDARD AND COFDM, AND NO COMMISSION ACTION IS REQUIRED AT THIS TIME.**

In response to the Commission's request for comment on the status of the current ATSC (8VSB) DTV standard,<sup>32</sup> Fox notes that the broadcast industry is currently studying the reception and other differences between 8VSB and COFDM transmission standards.

For example, Fox and Philips Electronics have recently announced a joint research initiative, together with Cornell University and The Australian National University, to investigate methods for improving DTV reception using the current Commission-approved 8VSB standard. The goal of this research initiative is to improve DTV broadcast reception and to generate a greater understanding of the data broadcasting and simulcasting capabilities of 8VSB. Philips Research USA will be responsible for algorithmic and architectural modifications to improve the performance of 8VSB receivers. Fox will be providing extensive data and field measurements gleaned from its owned-and-operated television stations that are already offering digital service. Similarly, the Association for Maximum Service

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<sup>32</sup> See *DTV Biennial Review NPRM*, paras. 11-12.

Television is launching a project to monitor and test 8VSB implementation and improvement and to test whether COFDM might be practical for use in the United States.

Through the review of scientific data collected in these and other collaborative projects, the broadcast industry and the Commission will be capable of making informed judgments on the technologies that best serve the public interest in the new age of digital television. In the meantime, the Commission should retain the current 8VSB standard.

**V. IN GENERAL, TOWER SITING AND COPY PROTECTION ISSUES ARE NOT DELAYING THE TRANSITION TO DTV.**

Fox agrees with the Commission's observation that stations are facing relatively few technical obstacles in constructing digital facilities.<sup>33</sup> Further, Fox's general experience has been that broadcasters are able to secure DTV tower locations. Nevertheless isolated instances of tower and zoning disputes may have hampered the build-out of digital transmission facilities.

For example in Denver, efforts to install a digital transmission tower on Lookout Mountain have been thwarted by groups of area residents (e.g., Canyon Area Residents for the Environment (CARE)) claiming health risks from radio emissions. Court challenges also remain pending over Fox's installation of a new

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<sup>33</sup> See *DTV Biennial Review NPRM*, paras. 6, 8.

digital antenna for station KDVR on its existing transmission tower on Lookout Mountain. While Fox's owned-and-operated station KDVR has been able to begin digital transmission on time, these court challenges have unquestionably increased the cost of DTV conversion. To facilitate smooth and rapid transition to DTV, the Commission therefore should remain prepared, either through the DTV Strike Force or the FCC Local and State Government Advisory Committee, to intervene in local zoning disputes involving frivolous allegations of RF radiation concerns.

The Commission also has sought comment on whether failure to reach an agreement on copy protection issues and technology is hindering the transition to DTV.<sup>34</sup> While copyright protection of over-the-air content is of the utmost importance to broadcasters in the digital age, Fox's experience to date has been that copy protection issues are not slowing down the transition to DTV. Nevertheless, it remains critical that television broadcasters retain the ability to control the distribution of their copyrighted program content.<sup>35</sup>

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<sup>34</sup> *See id.*, para. 10.


<sup>35</sup> Fox Entertainment Group, Inc. will be filing more extensive comments on copy protection and compatibility issues in response to the Notice of Proposed Rulemaking, Compatibility Between Cable Systems and Consumer Electronics Equipment, PP Docket No. 00-67. Comments in that proceeding are due May 24, 2000.

## VI. CONCLUSION

As discussed above, clarification of DTV application processing procedures is urgently needed to facilitate prompt action on long-pending DTV maximization applications. To avoid further delay in DTV rollout, the Commission must remain committed to straightforward, administratively efficient processing procedures that methodically and pragmatically analyze interference. Fox's belief is that the biggest roadblock to the prompt, ubiquitous rollout of DTV service to the consuming public would be adoption of overly complex processing procedures and windows that encourage the filing of spurious, mutually exclusive applications.

Respectfully submitted,

FOX TELEVISION STATIONS, INC.  
FOX BROADCASTING COMPANY

By:   
John C. Quale  
Linda G. Morrison

Skadden, Arps, Slate, Meagher  
& Flom LLP  
1440 New York Avenue, N.W.  
Washington, D.C. 20005  
(202) 371-7200

Dated: May 17, 2000

Their Attorneys

## ATTACHMENT A

### Pending Fox DTV Maximization Applications

Station	Community of License	Date Maximization Application Filed
WNYW	New York, NY	04/02/99
KTTV	Los Angeles, CA	08/03/98; withdrawn 10/27/98; re-filed 05/27/99
WFLD	Chicago, IL	08/07/98; amendment filed 01/19/99
WFXT	Boston, MA	05/27/99; amendment filed 11/01/99
KDFW	Dallas, TX	05/27/99
KDFI	Dallas, TX	11/01/99
KRIV	Houston, TX	08/07/99
WTVT	Tampa, FL	09/03/98; withdrawn; re-filed 05/26/99
KSAZ	Phoenix, AZ	05/26/99 Granted 04/24/2000
KDVR	Denver, CO	11/01/99
KFCT <sup>36</sup>	Fort Collins, CO	08/30/99
KSTU	Salt Lake City, UT	11/01/99

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<sup>36</sup> Station KFCT, Fort Collins, CO is operated as a satellite station of KDVR, Denver, CO.